



# **Legalities at Protests/Demonstrations**

## **Legalities at Demonstrations**

### **Instructor Guide**



## Legalities at Protests/Demonstrations



### MODULE # SYNOPSIS

**Date Prepared:** 03/14/00

**Date Reviewed / Revised:** 06/05/14

**Prepared By:** Lt. Robert Schwach

**Reviewed/Approved By:** Lt. Frank Gesualdi

This module will provide the participant with introduction into the basic principles of the United States Constitution with regard to protests, including the right to free speech and public assembly. Participants will be briefed on some of the pertinent Supreme Court cases affecting these rights.

**Method of Instruction:** Lecture / discussion / question and answer

**Time Allocated:** 45 Minutes

**Training Need:** Not applicable

**Terminal Learning Objective:** At the completion of this module, participants will understand .....

**Learning Outcomes:**

- 1 How the First Amendment to the Constitution affects their job performance at a protest or demonstration.
2. The rights of free speech and assembly as they pertain to current NYPD policies.

**Required Reading:** None

**Instructional Resources Required:**

- PowerPoint projector
- Computer with monitor
- Classroom seating

**Evaluation Strategies:**

- Observation of the level and quality of classroom participation.
- Observation and evaluation of module learning outcomes as applied to

**References:**

US Constitution

The Constitution that delicate balance

The Oxford Companion to the Supreme Court Demonstrator Guide

Right to Protest a basic ACLU guide to free Expression

Rioting in America



## Legalities at Protests/Demonstrations





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### Learning Outcomes :

- 1. Explain how the First Amendment to the Constitution affects a Police officer's responsibilities at protests or demonstrations.**
  
- 2. Explain the rights of free speech and assembly as they pertain to current NYPD policies.**

### Learning Outcomes

1. Explain how the First Amendment to the Constitution affects a Police officer's responsibilities at protests or demonstrations.
2. Explain the rights of free speech and assembly as they pertain to current NYPD policies.

### Instructor Notes:



## Legalities at Protests/Demonstrations



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**Instructor Notes:**



## Legalities at Protests/Demonstrations



***"Congress shall make no law respecting  
an establishment  
of religion, or prohibiting the free  
exercise thereof; or  
abridging the freedom of speech, or of  
the press; or the right  
of the people peaceably to assemble,  
and to petition the  
Government for a redress of  
grievances."***

### INTRODUCTION

Of all the things that Americans are proud of, they are probably the most proud of their Constitution. Written in 1887 and amended twenty-six times since, the United States Constitution is known throughout the world as one of the most important documents ever written with regard to people's rights. Unlike many other Government charters, which only list things the Government can do, the United States Constitution goes to great length to limit the powers of various Government entities. Although the document is more than two hundred years old, you are guided by it today, both at home and at work. More specifically, as an agent of the Government, you must abide by it in performance of your duties. In fact, within the oath of office you took to become a police officer in the city of New York, you promised to uphold the provisions of the Constitution.

What is the Constitution? It is the basic document that outlines the powers of the federal government. But taken with the Bill of Rights, which are the first ten amendments to the Constitution, the document also lists restrictions on the powers of the federal government.

Today's lesson will review the parts of the Constitution, and the Bill of Rights, and Supreme Court decisions regarding these documents that affect how you police a protest or demonstration.

### Instructor Notes:



## Legalities at Protests/Demonstrations



**Instructor Notes:**



## Legalities at Protests/Demonstrations



### United States Constitution

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- Unlike many other Government charters which only list things the Government can do
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### United States Constitution

- US Const. is more than two hundred years old
- Still guides American society, both at home and at work
- It is the basic document that outlines the powers of the Federal Government

### **Learning Outcome #1**

Explain how the First Amendment to the Constitution affects a Police officer's responsibilities at protests or demonstrations

- Written in 1887 and amended twenty-six times since
- known throughout the world as one of the most important documents
- ever written with regard to people's rights
- Unlike many other Government charters which only list things the Government can do
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### Instructor Notes:



## Legalities at Protests/Demonstrations



**Instructor Notes:**



## Legalities at Protests/Demonstrations



### Bill of Rights

- The first ten amendments to the Constitution
- Which lists restrictions on the powers of the Federal Government

### NYC Police Officers

- You are an agent of the Government
- you must abide by it in performance of your duties
- In line with the oath of office you took to become a Police Officer in the City of New York
- First Amendment has a large influence on police responses to demonstrations & protests

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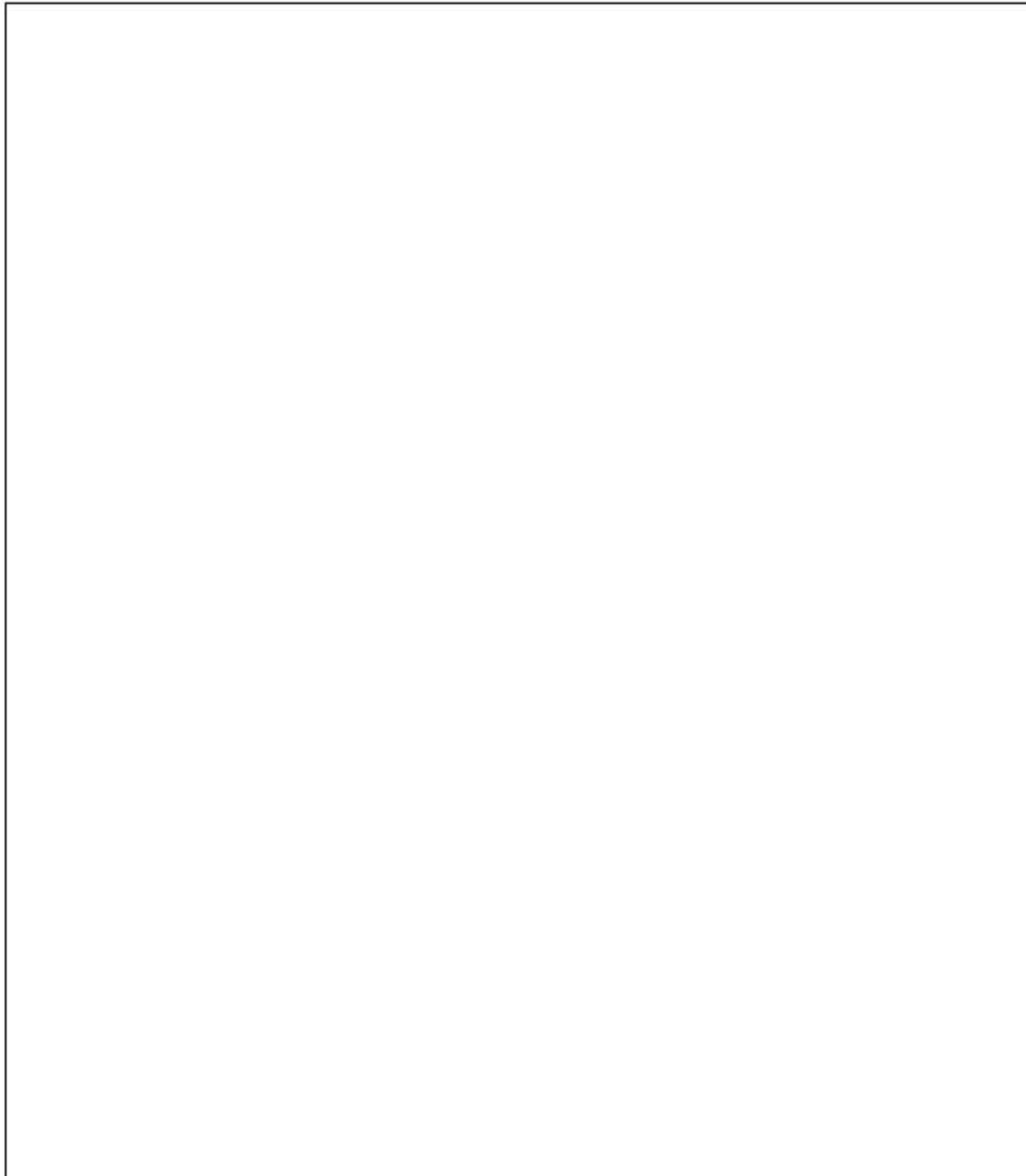
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### Instructor Notes:



## Legalities at Protests/Demonstrations



**Instructor Notes:**



## Legalities at Protests/Demonstrations



### First Amendment

Right to:

- free speech

- peaceable assembly

Not Absolute:

There can be restrictions in the interests of public safety

ex: -yelling fire in a crowded

theater

- protesting in the middle of

Time Square

### Court Decisions

Courts have recognized certain restrictions on the exercise of

- Speech

- Assembly

&

Placed certain restrictions on such

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## Legalities at Protests/Demonstrations



**Instructor Notes:**



## Legalities at Protests/Demonstrations



### Time, Place & Manner Rule

- Govt can restrict protests based on:
  - time of day
  - type of place
  - manner of the protest

Requires protesters to apply for permits, Govt can deny

\*must be granted unless specific objections are unrelated to the speech of protest

#### **Learning Outcome #2**

Explain the rights of free speech and assembly as they pertain to current NYPD policies

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#### Instructor Notes:



## Legalities at Protests/Demonstrations



### Clear & Present Danger Rule

- Govt may stop protest if:
  - creates clear & present danger  
immediate violence will occur
  - takes place in front such locations  
as schools or hospitals and  
causes undue hardship
    - \*sound amplification devices(bullhorns)  
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Instructor Notes:



## Legalities at Protests/Demonstrations



### Summary

- 1. First Amendment's affect on a Police officer's responsibilities at protests or demonstrations**
  
- 2. Rights of free speech & assembly regarding current NYPD policies**

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Instructor Notes:



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**Instructor Notes:**



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Click "Size" tab

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